



General Assembly

January Session, 2001

***Raised Bill No. 1048***

LCO No. 3270

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING COSTS OF INCARCERATION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (a) In the case of causes of action of any person  
2       obligated to pay the costs of such person's incarceration under section  
3       18-85a of the general statutes and regulations adopted in accordance  
4       with said section, the claim of the state shall be a lien against the  
5       proceeds therefrom in the amount of the costs of incarceration or fifty  
6       per cent of the proceeds received by such person after payment of all  
7       expenses connected with the cause of action, whichever is less, for  
8       repayment under said section, and shall have priority over all other  
9       claims including any lien of the state for repayment of public  
10      assistance except attorney's fees for said causes, expenses of suit, costs  
11      of hospitalization connected with the cause of action by whomever  
12      paid over and above hospital insurance or other such benefits, and, for  
13      such period of hospitalization as was not paid for by the state,  
14      physicians' fees for services during any such period as are connected  
15      with the cause of action over and above medical insurance or other  
16      such benefits; and such claim shall consist of the total amount of the  
17      costs of incarceration under section 18-85a of the general statutes. The

18 proceeds of such causes of action shall be assignable to the state for  
19 payment of the amount due under section 18-85a of the general  
20 statutes, irrespective of any other provision of law. The state's lien  
21 shall constitute an irrevocable direction to the attorney for the inmate  
22 to pay the Commissioner of Correction or the commissioner's designee  
23 in accordance with its terms, except if, after written notice from the  
24 attorney for the inmate informing the commissioner or the  
25 commissioner's designee of the settlement of the cause of action or  
26 judgment thereon and requesting the amount of the lien to be paid to  
27 the commissioner or the commissioner's designee, the commissioner or  
28 the commissioner's designee does not inform such attorney of the  
29 amount of the state's lien within forty-five days of receipt of the  
30 written request of such attorney for such information, such attorney  
31 may distribute such proceeds to such inmate and shall not be liable for  
32 any loss the state may sustain thereby.

33 (b) In the case of an inheritance of an estate by any person who is  
34 obligated to pay the costs of such person's incarceration in accordance  
35 with section 18-85a of the general statutes and the regulations adopted  
36 under said section, the claim of the state shall be a lien against such  
37 inheritance in the amount of the costs of incarceration or fifty per cent  
38 of the assets of the estate payable to the inmate, whichever is less. The  
39 Court of Probate shall accept any such lien notice filed by the  
40 commissioner or the commissioner's designee with the court prior to  
41 the distribution of such inheritance, and to the extent of such  
42 inheritance not already distributed, the court shall order distribution in  
43 accordance therewith.

44 Sec. 2. (NEW) Upon the death of any person obligated to pay the  
45 costs of such person's incarceration under section 18-85a of the general  
46 statutes and regulations adopted in accordance with said section, the  
47 state shall have a claim against such person's estate for all costs of  
48 incarceration under the provisions of said section and regulations for  
49 which the state has not been reimbursed, to the extent that the amount  
50 which the surviving spouse, parent or dependent children of the

51 decedent would otherwise take from such estate is not needed for their  
52 support. Such claim shall have priority over all other unsecured claims  
53 against such estate, including any lien of the state for repayment of  
54 public assistance, except (1) expenses of last sickness not to exceed  
55 three hundred seventy-five dollars, (2) funeral and burial expenses in  
56 accordance with that allowed under section 17b-84 of the general  
57 statutes upon the death of a beneficiary of aid, and (3) administrative  
58 expenses, including probate fees and taxes, and including fiduciary  
59 fees not exceeding the following commissions on the value of the  
60 whole estates accounted for by such fiduciaries: On the first two  
61 thousand dollars or portion thereof, five per cent; on the next eight  
62 thousand dollars or portion thereof, four per cent; on the excess over  
63 ten thousand dollars, three per cent. Upon petition by any fiduciary,  
64 the Court of Probate, after a hearing thereon, may authorize  
65 compensation in excess of the above schedule for extraordinary  
66 services. Notice of any such petition and hearing shall be given to the  
67 Commissioner of Correction at least ten days in advance of such  
68 hearing. The allowable funeral and burial payment authorized by this  
69 section shall be reduced by the amount of any prepaid funeral  
70 arrangement. Any amount paid from the estate under this section to  
71 any person that exceeds the limits provided in this section shall be  
72 repaid to the estate by such person, and such amount may be  
73 recovered in a civil action with interest at the legal rate from the date  
74 of demand.

75 Sec. 3. This act shall take effect from its passage.

***Statement of Purpose:***

To enable the Department of Correction with the assistance of the Department of Administrative Services to collect the costs of an inmate's incarceration when the inmate receives proceeds from a cause of action or from an inheritance or when the inmate dies.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*